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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF M. BRENT
BYARS IN SUPPORT OF EPIC
GAMES, INC.'S OPPOSITION TO
APPLE'S MOTION FOR RELIEF
FROM THE JUDGMENT**

Hon. Yvonne Gonzalez Rogers

1 I, M. BRENT BYARS, hereby declare as follows:

2 1. I am a Senior Attorney at Cravath, Swaine & Moore LLP, counsel to
3 Epic Games, Inc. (“Epic”) in the above-captioned action. I am admitted to appear
4 before this court *pro hac vice*.

5 2. I submit this declaration in support of Epic’s Opposition
6 Memorandum to Apple Inc.’s (“Apple”) Motion for Relief from the Judgment
7 Under Federal Rule 60(b), dated September 30, 2024.

8 3. I have personal, first-hand knowledge of the facts set forth in this
9 Declaration. If called as a witness, I could and would completely testify to these
10 facts under oath.

11 4. Attached hereto as **Exhibit A** is a true and correct copy of Apple’s
12 Answer to Petition for Review in *Beverage v. Apple, Inc.* (No. S285154), dated
13 June 18, 2024.

14 5. Attached hereto as **Exhibit B** is a true and correct copy of Apple’s
15 Petition for Writ of Certiorari in *Apple, Inc. v. Epic Games, Inc.* (No. 23-344),
16 dated September 28, 2023.

17 6. Attached hereto as **Exhibit C** is a true and correct copy of Apple’s
18 Reply Brief for Petitioner in *Apple, Inc. v. Epic Games, Inc.* (No. 23-344), dated
19 December 22, 2023.

1 I declare under penalty of perjury that the foregoing is true and correct.
2 Executed this 7th day of November 2024.



4 M. Brent Byars